

DRAFT PERMIT

PERMITTEE: Mohegan Golf, LLC
7 Dows Lane
Baltic, CT 06330

PERMIT NO.: DIV-200801837
TOWN: Franklin, Sprague
WATERS: Ayers Brook, Ground Water

Pursuant to Connecticut General Statutes section 22a-368, Mohegan Golf, LLC (the "permittee") is hereby authorized to divert the waters of the state at the Mohegan Sun Country Club at Pautipaug (the "site") in accordance with the permittee's application dated June 30, 2008, filed with this Department on June 30, 2008 and described herein. The purpose of the diversion is to supply irrigation water to an 18-hole golf course and potable water to the golf course clubhouse.

AUTHORIZED ACTIVITY

The permittee is authorized to:

1. Withdrawal a combined total maximum of 0.265 million gallons per day (mgd) from-
 - a. Well 2, and Well 3 to supplement Basin C. Well 1 may be used as a back-up supply only when Well 2 and Well 3 are not in service.
 - b. Well 5, Well 6, Well 10, and Pond V Well to supplement Basin B.
 - c. Well 12 to supplement Basin A.
 - d. Clubhouse Well, Well 1, and Well 14 for potable water supply.
2. Withdrawal a maximum of 0.320 mgd from Basin A for distribution through the irrigation system of for transfer to Basins B and C for storage.
3. Make unlimited withdrawals from Basins B and C exclusively for transfer to Basin A.
4. Construct and maintain a spillway, at an elevation of 172 feet above mean sea level (NAVD 88 datum), to divert waters from Ayres Brook into Basin A during periods of high flow.

Said authorization shall be in accordance with plans entitled "Site Plan / Mohegan Sun Country Club at Pautipaug", dated 6/30/09, prepared by McFarland Johnson, and "Mohegan Sun Country Club at Pautipaug / Holton Road Improvements", as well as documentation submitted as a part of the application.

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.

SPECIAL CONDITIONS

1. **Construction Transitional Period.** Until proposed Basins A, B and C become operational, or by April 15, 2011, whichever comes first, the permittee shall be permitted to withdrawal a maximum of 0.250 mgd from Pond VI. The permittee shall install totalizing flow meters to measure the total amount of water withdrawn from Pond VI and shall for the duration of this authorization continuously operate and maintain such meter in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours. The permittee shall secure such meter in a locked facility, with access controlled solely by the permittee or other designee. The permittee shall maintain a daily record of the meter readings indicating the total volume of water in gallons withdrawn from Pond VI that day. The daily record shall also record the hours of operation, the time of meter readings, and denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitation(s) specified in this permit. A copy of the daily record of withdrawals shall be included in the Annual Report to the Commissioner required by Special Condition #21 of this permit.
2. **Metering of Withdrawals.** The permittee shall install totalizing flow meters to measure the total amount of water withdrawn from Well 1, Well 2, Well 3, Well 5, Well 6, Well 10, Well 14, Pond V Well, and a totalizing flow meter to measure the total amount of water withdrawn from Basin A as authorized herein, and shall for the duration of this authorization continuously operate and maintain such meters in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours. The permittee shall secure such meter in a locked facility, with access controlled solely by the permittee or other designee.
3. **Daily Withdrawal Record.** The permittee shall maintain a daily record of the meter readings indicating the total volume of water in gallons withdrawn from Well 1, Well 2, Well 3, Well 5, Well 6, Well 10, Well 14, Pond V Well, and the total volume of water in gallons withdrawn from Basin A that day. The daily record shall also record the hours of operation, the time of meter readings, and denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitation(s) specified in this permit. A copy of the daily record of withdrawals shall be included in the Annual Report to the Commissioner required by Special Condition #21 of this permit.
4. **Meter Calibration and Reporting.** The permittee shall biennially beginning in the year 2010 test and calibrate each source meter to within two percent accuracy as shown through a post-calibration test. The permittee shall maintain a record of the accuracy and calibration test(s) along with supporting documentation and certifications. The permittee shall make a copy of said records available to the Commissioner or the Commissioner's designee immediately upon request.

5. **Water Well Guarantee.** If any person believes the yield of their well has been significantly impacted by activities authorized as part of this permit, they should notify the permittee and the Department of this situation. The permittee shall respond by having their hydrogeologic consultant evaluate the situation, report to the permittee, the Department and to the concerned well owners, within 30 days of the initial notification, their findings as to the existence, nature, extent and/or cause of the alleged impact. If the assessment of the permittee's hydrogeologic consultant determines that activities authorized as part of this permit have no direct impact on the subject well, and the Department concurs with the assessment, then the permittee will not be required to assist the subject well owner with well yield mitigation measures as outlined below. In the event that the permittee's hydrogeologic consultant or the Department determines that that activities authorized as part of this permit result in more than a negligible loss in the yield of the subject well, the permittee shall mitigate this loss in yield of the affected well by implementing, at its cost, one or more of the following actions:
- a) If pre-permit yield can be restored by setting the pump at a lower depth in the existing well, the pump will be lowered in the well as necessary.
 - b) If the affected well is too shallow to accommodate resetting the pump to restore pre-permit yield, but is capable of being deepened, the well will be deepened and the pump reset to restore pre-permit yield.
 - c) If lowering the pump or deepening the well are insufficient methods to restore pre-permit yields, a new well that reestablishes pre-permit yield will be installed on the property of the affected well owner.
6. **Ayers Brook Restoration Plan.** The permittee shall submit to the department within one-year following the issuance of this permit, a comprehensive plan to restore excessively eroded sections of Ayers Brook as it flows through their property. The permittee shall not commence restoration of Ayers Brook without the review and approval of said plan. Such approval of said plan may include authorization under state-administered regulatory programs including but not limited to Water Diversion and 401 Water Quality Certification.
7. **Phragmites Control.** The permittee shall follow best management practices to prohibit the establishment of *Phragmites sp.* during the construction of proposed storage basins.
8. **Water Handling (Dewatering) Plan.** The permittee shall follow the construction water handling plan as described on page 3, Response No. 9 of their August 17, 2009 correspondence entitled "Applicant's Response to Review Memo of Ms. Sharon Yurasevecz, P.E."

9. **Basin A / Pond VI Berm.** Should the proposed berm separating Basin A from Pond VI fail such that withdrawals from Basin A begins to include surface waters from Pond VI, the permittee shall immediately cease all withdrawals as authorized from Basin A until said berm is restored as per approved site plans.
10. **Transfer of Registration.** The permittee shall, within 30 days of the issuance of this permit, document in correspondence to the Commissioner, the approval of the current registrant of the following registered diversions, Pautipaug Country Club, to have said registrations transferred to the permittee.

NAME OF DIVERSION	REGISTRATION NUMBER
Pautipaug Golf Course Pond I	3804-001-IM
Pautipaug Golf Course Pond II	3804-002-IM
Pautipaug Golf Course Pond III	3804-003-IM
Pautipaug Golf Course Pond IV	3800-010-IM
Pautipaug Golf Course Pond V	3800-011-IM
Pautipaug Golf Course (Old) Well #1	3800-012-IRR-GR

11. **Relinquishment of Previously Registered Sources.** The permittee shall, by April 30, 2011, document in correspondence sent to the Commissioner, on a form as prescribed by the Commissioner, their agreement to permanently relinquish the following water diversion registrations:

NAME OF DIVERSION	REGISTRATION NUMBER
Pautipaug Golf Course Pond I	3804-001-IM
Pautipaug Golf Course Pond II	3804-002-IM
Pautipaug Golf Course Pond III	3804-003-IM
Pautipaug Golf Course Pond IV	3800-010-IM
Pautipaug Golf Course Pond V	3800-011-IM
Pautipaug Golf Course (Old) Well #1	3800-012-IRR-GR

12. **Abandonment of Unused Wells.** The permittee shall, within 90 days of the issuance of this permit, permanently abandon the following wells pursuant to section 25-128-57 of the Regulations of Connecticut State Agencies: Dug Well, Old Well 1, Old Well 2, Registered Well 1, Well 4, Well 7, Well 8, and Well 11. Documentation of said well abandonment shall be submitted to the Commissioner within 15 days of the completion of well abandonment.

13. **Chemigation.** The permittee is prohibited from using the irrigation system for the purpose of chemigation without the appropriate discharge permit and pesticide application permit from the Commissioner.
14. **Cross-connections.** Cross-connections between the golf course irrigation system and the potable water supply system shall be prohibited.
15. **Seasonal Irrigation Restrictions.** Withdrawals authorized under this permit are restricted to the period April 15 through October 31 inclusive. A record of annual diversion shutdown and startup shall be included in the Annual Report to the Commissioner required by Special Condition #21 of this permit.
16. **Other Restrictions.** The DEP shall have the right to restrict the diversion authorized in this permit at any time the Commissioner in his judgment determines: a) a declared local, regional or state-wide drought advisory, watch, warning or emergency necessitates restriction or reduction of non-essential water uses, or b) the continuation of the diversion may have an adverse effect on water quality, fisheries resources, aquatic habitat or public health.
17. **Long-range Water Conservation Plan.** The permittee shall implement its Long-range Water Conservation Plan, as described in the permittee's application, and revised in their July 31, 2008 correspondence. The permittee shall maintain a summary of all actions taken each year pursuant to the Long-range Water Conservation Plan and a description of the estimated or actual water savings achieved. A copy of this summary shall be included in the Annual Report to the Commissioner required by Special Condition #21 of this permit.
18. **Drought Response Plan.** Upon notification by the Commissioner of a particular drought stage as described in "Connecticut Drought Preparedness and Response Plan" (August 4, 2003), the permittee shall limit the authorized total combined maximum withdrawal from the irrigation wells as follows:
 - a. Drought Advisory: 0.239 mgd (10% reduction)
 - b. Drought Watch: 0.227 mgd (15% reduction)
 - c. Drought Warning 0.212 mgd (20% reduction)
 - d. Drought Emergency: 0.199 mgd (25% reduction)

Furthermore, during a declared "Drought Emergency" stage, the permittee shall comply fully with the "Connecticut Drought Preparedness and Response Plan" (August 4, 2003) as may be amended or modified.

- 19. Record Keeping Requirements.** Except as provided below, or as otherwise specified in writing by the commissioner, all information required under this permit shall be retained at the subject site, or be readily available on request. The permittee shall maintain a copy of this permit on site at all times. The permittee shall retain copies of all records and reports required by this permit; and records of all data used to compile these reports for a period of at least three years after the expiration date of this permit.
- 20. Recording and Reporting Violations.** Within 48 hours after the permittee learns of a violation of this permit, the permittee shall submit in writing a report of the violation to the Commissioner. Such report shall contain the following information:
- The provision(s) of this permit that has been violated,
 - The date and time the violation(s) was first discovered and by whom,
 - The cause of the violation(s), if known;
 - If the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected,
 - If the violation(s) has not ceased, the anticipated date when it will be corrected; and
 - Actions taken and actions planned to prevent a reoccurrence of the violation(s) and the date(s) such actions were implemented or will be implemented.
- 21. Annual Reporting.** The permittee shall submit by January 30 of each year, for the duration of this authorization, an Annual Report for the preceding calendar year. The Annual Report shall be certified in accordance with General Condition #11 of this permit and shall contain the following:
- A copy of the record of daily withdrawals and hours operated as required by Special Conditions #1 and #3 of this permit,
 - Record of annual diversion shutdown and startup dates as required by Special Condition #15,
 - Summary report of all the actions taken pursuant to the Long-Range Water Conservation Plan and Water Conservation Plan and description of actual or estimated water savings achieved, as required by Special Condition #17 of this permit, and
 - Summary of any instances of violation of the authorized withdrawal limitations or any other condition of this authorization as required by Special Condition #20.

GENERAL CONDITIONS

- The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.

2. The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
3. All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.
4. Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
5. In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such other time.
7. This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.

8. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under paragraph 4 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.
9. This permit is not transferable without the prior written consent of the Commissioner.
10. This permit shall expire on [25 years].
11. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachment may be punishable as a criminal offense in accordance with Section 22a-376 under 53a-157 of the Connecticut General Statutes."
12. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director
DEP/Inland Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is

earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

This authorization constitutes the permit required by section 22a-368(b) of the Connecticut General Statutes.

Issued as a permit of the Commissioner of Environmental Protection on

Amey Marrella
Commissioner

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